

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

SONDRA SAMPSON,

Plaintiff,

vs.

MATTRESS FIRM, INC., et al.,

Defendants.

NO. 3:22-cv-05455

NOTICE OF REMOVAL

TO: The Clerk of the Court;

AND TO: All Parties and Their Respective Counsel.

Defendants Mattress Firm, Inc. and DSI Logistics, LLC, by and through their attorneys, respectfully submit the below in support of removal:

1. Plaintiff Sondra Sampson filed the above-captioned action on or about November 18, 2021, against Defendants Mattress Firm, Inc., DSI Logistics, LLC, Dedicated Transportation, LLC, and Valery Mukhin in Cowlitz County Superior Court for the State of Washington. The case

NOTICE OF REMOVAL - 1
(Case No.: 3:22-cv-05455)

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1 is captioned *Sampson v. Mattress Firm, Inc. et al.* Plaintiff amended her Complaint on November
2 19, 2021, which serves as the operative complaint.

3 2. Defendants Mattress Firm, Inc., DSI Logistics, LLC, Dedicated Transportation,
4 LLC, and Valery Mukhin, were served the Amended Complaint via U.S. Mail on or around
5 November 9, 2021. The Amended Complaint is attached as Ex. A to the Declaration of Amy P.
6 Taylor (“Taylor Decl.”).

7 3. Defendant Mattress Firm and DSI Logistics received the Amended Complaint and
8 have since filed their respective Answers. Defendant Dedicated Transportation, LLC and Valery
9 Mukhin have not filed Answers in the case. Taylor Decl., ¶ 6.

10 4. Upon information and belief, Defendants Dedicated Transportation, LLC and
11 Valery Mukhin have not been served with either the Complaint or the Amended Complaint. Taylor
12 Decl., ¶ 4 – 6.

13 5. Counsel for Defendant DSI attempted to send correspondence to Dedicated
14 Transportation and Mukhin using the same address as Plaintiff used to serve the Amended
15 Complaint. The undersigned received the correspondence back stating that the correspondence
16 could not be mailed and the address was unknown. Upon information and belief, this same address
17 was used by Plaintiff to serve the Complaint to Dedicated Transportation and Mukhin. See Taylor
18 Decl., ¶ 1-3; Ex. B.

19 6. Served defendants Mattress Firm and DSI agree to remove this matter.

20 7. This matter became removal on May 20, 2022, when Plaintiff indicated for the first
21 time that she sought damages in excess of \$75,000. Plaintiff’s Statement of Damages is attached
22 hereto as Ex. C to Taylor Decl.

23 8. The above-captioned action is a civil case over which this Court has jurisdiction
24 pursuant to 28 U.S.C. § 1332, in that:

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NOTICE OF REMOVAL - 2
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1 a. Plaintiff is a citizen of the State of Washington. See Ex. A, at ¶ 1.1;

2 b. Defendant Mattress Firm, Inc., is a corporation that is incorporated in
3 Delaware and has a principal place of business in Texas. Taylor Decl., Ex. D;

4 c. Defendant DSI Logistics, LLC is a limited liability company incorporated
5 in Delaware and whose member(s) reside in New York. Taylor Decl., Ex. E;

6 d. Defendant Dedicated Transportation, LLC is a limited liability company
7 incorporated in Oregon and whose member resides in Oregon. Taylor Decl., Ex. F;

8 e. Defendant Valery Mukhin is an Oregon resident. Taylor Decl., Ex. F;

9 f. The matter in controversy in this matter exceeds the sum or value of
10 \$75,000, exclusive of interest and costs. Taylor Decl., Ex. C.

11 g. Served Defendants agree to remove this matter pursuant to 28 U.S.C. §
12 1446(b).

13 9. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b)
14 and the Federal Rules of Civil Procedure.

15 10. Upon the filing of this Notice of Removal, Defendants shall give written notice
16 thereof to counsel for Plaintiff and Defendants shall file copies of said Notice and Notice of Filing
17 of Removal with the Cowlitz County Superior Court for the State of Washington.

18 11. By filing this notice, Defendants do not waive any defenses which may be made
19 available to it, specifically including, but not limited to, improper service and the absence of venue
20 in this Court or in the Court from which this action has been removed.

21 WHEREFORE, Defendants respectfully request that the Court remove the above-
22 captioned action now pending against it in the Cowlitz County Superior Court for the State of
23 Washington, to the United States District Court for the Western District of Washington at
24 Tacoma, wherein it shall proceed as an action originally commenced therein.

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NOTICE OF REMOVAL - 3
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2 Dated: June 21, 2022.

GORDON REES SCULLY MANSUKHANI,
LLP

3
4 By: s/ Mark B. Tuvim
Mark B. Tuvim, WSBA # 31909

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6 By: s/ Amy P. Taylor
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25 NOTICE OF REMOVAL - 4
(Case No.: 3:22-cv-05455)

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on this day, a true and accurate copy of the foregoing document was filed with the Court and notifications of such filing was sent to the following via the Court's ECF application:

Attorneys for Plaintiff
Matthew J. Andersen
mjandersen@walstead.com

Attorneys for Mattress Firm, Inc.
Jennifer Merringer Veal
jveal@TysonMendes.com

Dated: June 21, 2022.

s/ Christine F. Zea
Christine F. Zea, Legal Assistant

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